

Remarkable

11.

May 18.

PROPOSITIONS

By the

COVNCELL

IN

IRELAND,

Humbly

Recommended to the Parliament in *England*,

desiring them to move the Judges to deliver their

Resolutions concerning the ensuing *Questions*,

being in number 21.

Together with the Declaration of both Houses of Parliament, *Die Iovis 12. May, 1642.*

Ordered by the Lords and Commons assembled in Parliament, That the said Declaration shall be forthwith Printed and Published.

John Brown Cler. Parl.

Printed at London for *W. G.* and are to be sold by
T. Bates. 1642.

May 18.

Resolved

PROPOSITIONS

By the

GOVERNMENT

IN

IRELAND.

Truly

Recommended to the Parliament in England,

desiring it to move the Judges to deliver their

R. T. letters concerning the value of

being in number 1.

Together with the Declaration of both Houses

of Parliament, Dec. 12, May, 1842.

Ordered by the Lords and Commons assembled
in Parliament, That the said Declaration shall be
forthwith Printed and Published.

John Brown (per. W. G.)

Printed at London for W. G. and are to be sold by

T. Bates, 1842.

**Propositions by the Parliament in Ire-
land, humbly desiring the Parliament in
England to move the Iudges to deliver
their Resolutions.**

IN as much as the Subjects of this
Kingdome are free, loyall, and du-
tiffull sub^{ts} to his most excellent
Majesty, their naturall Liege Lord
and King, and to be governed on-
ly by the Common Lawes of Eng-
land, and Statutes of force in this
Kingdome, in the same manner and forme as his Ma-
jesties subjects of the Kingdome are and ought to bee
governed by the same Common Lawes and Statutes
of force in that Kingdome, which of right the subjects
of this Kingdome doe challenge, and make their pro-
testation to be their birthright and best inheritance.
In as much as the unlawfull actions and proceedings
of some of his Majesties Officers and Ministers of Ju-
stice of late yeares introduced and practised in this
Kingdome, did tend to the infringing and violation of
the lawes, liberties, and freedome of the said subjects,
contrary to his Majesties royall and pious intentions.
Therefore the Knights, Citizens, and Burgeses in
Abas yung answere Parliam

Parliament assembled, not for any doubt or ambiguity which may be conceived or thought concerning the premisses, nor of the ensuing Questions, but for manifestation and declaration of a cleare truth, and of the said Lawes and Statutes already planted in this Kingdome.

The said Knights, Citizens, and Burgeses do therefore pray both houses of Parliament may joyn in requiring the Iudges forthwith to declare in writing their Resolutions of, and unto the ensuing Questions, and subscribe to the same.

1. Whether the Subjects of this Kingdome bee a free people, and to be governed only by the Common Lawes of England, and Statutes of force in this Kingdome?

2. Whether the Iudges of this Land do take the oath of Iudges, and if so, whether upon pretence of any Act of State, Proclamation, Letter, or Direction under the Great or Privy Seale, or Privy Signer, or Letter, or other Commandment from the Lord Lieutenant, Lord Deputy, Iustice or Iustices, or other chiefe Governour of this Kingdome, they may hinder, stay, or delay the suit of any subject, or his Iudgement or Execution thereupon. If so, in what cases, and whether if they doe hinder, stay, or delay such suits, judgements or executions thereupon, what punishment doe they incur therefore?

3. Whether the Kings Majesties Privy Counsell, either with the chiefe Governour or Governours of this Kingdome, or without him or them, be a place of Iudicature by the Common Lawes: and whether in cases betweene party and party for debts, trespasses, accounts,

accounts, possession, or triall of Land, and which of them may be heard and determined; and of what Civill causes they have jurisdiction, and by what Law, and of what force is their Order or Decree in such cases, or any of them.

4. The like of the chiefe Governour alone.

5. Whether grants of Monopolies bee warranted by Law, and of what, and in what cases, and how, and where, and by whom are the transgressors against such grants punishable: and whether by fine, mutilation of members, imprisonment, losse, or forfeiture of goods, or otherwise; and which of them?

6. In what cases the Lord Lieutenant, or other chief Governour or Governours of this Kingdome, and Councell, may punish by fine, mutilation of members, Pillory, or otherwise; whether they may sentence any to such punishments for infringing commands of, or concerning any Proclamation, or and concerning Monopolies; and what punishment doe they incurre that vote for the same?

7. Of what force is an Act of State or Proclamation in this Kingdome, to binde the liberties, goods, possessions, or inheritance of the natives thereof; whether they or any of them can alter the Common Law, or the infringers of them, lose their goods, chattels, or leases, or forfeit the same for infringing any such Act of State, Proclamation or both; and what punishment doe the Judges of the Law that are Privie Councillors incurre, that vote for such Acts, or execution thereof?

8. Are the subjects of this Kingdome subject to the Marshall Law; and whether any man in time of peace, and no enemy being in the field with banner displaid,

can be sentenced to death; if so, by whom, and in what case; if not, what punishment doe they incurre, that in time of peace doe execute Marshall Law?

9. Whether voluntarily oathes taken freely before Arbitrators, for affirmance or disaffirmance of any thing, be punishable in the Castle Chamber, or any other Court, and why, and wherefore?

10. Why, and by what Law, and by what rule of policy is it, that none is admitted to redcement of fine or other penalties in the Castle Chamber, or Councell Chamber, untill he confesse the offence for which hee is censured?

11. Whether the Iudges of the Kings Bench, or any of the Iudges of the Gaole delivery, or any other Court, and by what Law doe or can deny the copies of indictments of felony or treason to the parties accused, contrary to the law?

12. What power hath the Barons of the Exchequer to raise the respit of homage arbitrarily, to what rate they please, by what Law they may distinguish betweene the respit of homage upon the diversity of the true value of the fees, whereas Elcuage is the same for great and small fees, and are proportionable by Parliament?

13. Whether it be censurable in the subjects of this Kingdome to repaire into England to appeale unto his Majesty for redresse of injury, or for other lawfull occasions, if so, why and what condition of persons, and by what law?

14. Whether Deanes and other dignitories of Cathedrall Churches, be properly, and *de iure jure* donative, and not elective and collative; if so, why, and

and by what Law, and whether the confirmation of a Deane *de facto* of the Bishops grant be good and valid in Law, if not, by what Law?

15. Whether the issuing of *Quo warrantis* out of the Kings Bench or Exchequer, against Buroughes that anciently sent Burgeses to the Parliament, to shew cause why they sent Burgeses, be legall; if not, what punishment ought to be inflicted upon them that have beene the occasioners, procurers, and Iudges of and in such *Quo warrantis*?

16. By what Law are Iurors that give verdict according to their consciences, and are the sole Iudges of the facts censured in the Castle Chamber in great fines, and sometimes Pillory, with losse of eares, and bored through the tongue, and marked sometimes in the forehead with a hot iron, and other like punishments?

17. By what Law are men censurable in the Castle Chamber, with mutilation of members, or any other brand of infamy; and in what causes, and what punishment in each cause there is due, without resp. & of the quality of persons?

18. Whether in the Censures in the Castle Chamber regard be to bee had to the words of the great Charter, viz. *Salvo contentamento*.

19. Whether if one that steales a sheepe, or commit any other felony, and after flyeth the course of Justice, or lyeth in woods or mountaines, upon his keeping bee a traytor, if not, whether a proclamation can make him so?

20. Whether the testimony or verdict of Rebels, Traytors, protected Thieves, or other infamous persons, be good evidence in law to be pressed at the triall
of

of men for their lives; or whether the Iudge or Jurors ought to be Iudge of the matter in fact?

11. By what Law are Fayres and Markets to bee held in Capite, when no other expresse tenure is mentioned in his M^{ties} Letters Patents or Grants of the ſame Fayres or Markets, although the rents or yearly ſum be reſerved thereout?

Die Iovis 12. May, 1642.

The Declaration of both Houſes of Parliament.

THe Lords and Commons aſſembled in Parliament doe declare, That they are reſolv'd to maintaine thoſe Lords and Gentlemen, Committees of both Houſes of Parliament reſiding at Yorke, in thoſe things they have done, and ſhall further doe in obedience of their Commands for the preſerving the peace of the Kingdome.

The Lords and Commons doe declare, That if any perſon whatſoever ſhall arreſt, or impriſon the perſons of thoſe Lords and Gentlemen, or any of them, or any member of either Houſe, that are, or ſhall be employed in the ſervice of both Houſes of Parliament; or ſhall offer violence to them, or any of them, for doing of any thing in purſuance of their Commands, or the Inſtructions of both Houſes, given unto them, ſhall be held Diſturbers of the proceedings of Parliament, and publicke enemies of the State. And that all perſons are bound by their Prodeſtation, to endeavour to bring them to condigne puniſhment.

The Lords and Commons doe declare, That thoſe of the City of London, and all other perſons that have obeyed the Ordinance for the Militia; and done any thing in execution thereof, have done it according to the Law of the Land, and in purſuance of what they were commanded by both Houſes of Parliament, and for the defence and ſafety of the King and Kingdome, and ſhall have the aſſiſtance of both Houſes of Parliament, againſt any that ſhall preſume to oppoſe them, for yielding their obedience to the ſaid commands, in this neceſſary and important ſervice: And that whoſoever ſhall obey ſaid Ordinance for the time to come, ſhall receive the ſame approbation and aſſiſtance from both Houſes of Parliament.

FINIS.



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